

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

JOBY, INC.

SUMMONS IN A CIVIL CASE

v.

CASE NUMBER: CV 07 6455 EDL

TOCAD AMERICA, INC.

TO: (Name and address of defendant)

Tocad America, Inc.
53 Green Pond Road, Ste. 5
Rockaway, New Jersey 07866

YOU ARE HEREBY SUMMONED and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Charlene M. Morrow, Esq. (CSB No. 136411)
Fenwick & West LLP
801 California Street
Mountain View, CA 94041
Telephone (650)988-8500
Fax (650)938-5200

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgement by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

DEC 20 2007

Richard W. Wiking
CLERK

DATE _____

(BY) DEPUTY CLERK

MARIA LOO

NDCAO440

<i>Attorney or Party without Attorney:</i> CHARLENE M. MORROW, ESQ. FENWICK & WEST LLP 801 CALIFORNIA STREET MOUNTAIN VIEW, CA 94041 Telephone No: 650-988-8500		<i>For Court Use Only</i>	
<i>Attorney for Plaintiff:</i>	<i>Ref. No. or File No.:</i> JOBY, INC.		
<i>Insert name of Court, and Judicial District and Branch Court:</i> United States District Court Northern District Of California			
<i>Plaintiff:</i> JOBY, INC.			
<i>Defendant:</i> TOCAD AMERICA, INC.			
PROOF OF SERVICE SUMMONS & COMPLAINT	<i>Hearing Date:</i>	<i>Time:</i>	<i>Dept/Div:</i>
			<i>Case Number:</i> CV 07 6455 EDL

1. At the time of service I was at least 18 years of age and not a party to this action.

2. I served copies of the Summons In A Civil Case; Complaint For Trade Dress Infringement; Unfair Competition And False Designation Of Origin; California Statutory Unfair Competition; California Statutory False Advertising; And California Common Law Unfair Competition; Order Setting Initial Case Management Conference And Adr Deadlines; Standing Order; Standing Order Re: Case Management Conference; Contents Of Joint Case Management Statement; Plaintiff Joby, Inc.'s Certification Of Interested Entities Or Persons; Plaintiff Joby, Inc.'s Rule 7.1 Disclosure Statement; Report On The Filing Or Determination Of An Action Regarding A Patent Or Trademark; Declination To Proceed Before A Magistrate Judge And Request For Reassignment To A United States District Judge; Notice Of Impending Reassignment To A United States District Court Judge; Civil Cover Sheet; Ecf Registration Information Handout; Notice Of Assignment Of Case To A United States Magistrate Judge For Trial; Consent To Proceed Before A United States Magistrate Judge.

3. a. *Party served:* **TOCAD AMERICA, INC.**
b. *Person served:* **MARY T. DRUMMOND, AUTHORIZED AGENT FOR SERVICE**

4. *Address where the party was served:* **2711 CENTERVILLE ROAD
WILMINGTON, DE 19808**

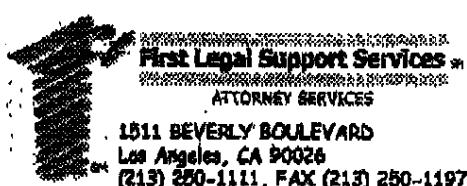
5. *I served the party:*
a. *by personal service.* I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on: Mon., Mar. 17, 2008 (2) at: 3:40PM

6. *The "Notice to the Person Served" (on the Summons) was completed as follows:*
on behalf of: **TOCAD AMERICA, INC.**
Under CCP 416.10 (corporation)

7. *Person Who Served Papers:*
a. **TIMOTHY C BENNETT** Recoverable Cost Per CCP 1033.5(a)(4)(B)

d. *The Fee for Service was:*

e. I am: Not a Registered California Process Server



8. *I declare under penalty of perjury under the laws of the State of California and under the laws of the United States Of America that the foregoing is true and correct.*

Date: Tue, Mar. 18, 2008

Timothy C. Bennett